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In re Application of	:	
HEEKS et al.	:	
Application No.: 09/868,262	:	DECISION ON REQUEST
PCT No.: PCT/GB99/04144	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 14 December 1999	:	
Priority Date: 17 December 1998	:	
Attorney Docket No.: 083513.7034	:	
For: ORGANIC LIGHT-EMITTING DEVICES	:	

This decision is in response to "Response to Decision on Request under 37 CFR 1.497(d) Dated June 14, 2002" filed 12 September 2002.

### **BACKGROUND**

On 14 December 1999, applicants filed the above-captioned international application, which claimed a priority date of 17 December 1998 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 June 2000. The international application named Stephen Karl Heeks, Jeremy Henley Burroughes, and Julian Charles Carter. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 17 June 2001.

On 15 June 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee of \$860.

On 05 September 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 03 January 2002, applicants filed "Submission of Oath or Declaration under 37 CFR 1.497" which included: a declaration executed by Stephen Karl Heeks, Jeremy Henley Burroughes, Julian Charles Carter and Peter Devine; \$130 surcharge under 37 CFR 1.492(e); two-month extension of time fee (\$400); and an assignment. In a decision dated 19 February 2002, applicants' request was dismissed without prejudice.

On 19 April 2002, applicants filed "Response to Decision on Request under 37 CFR 1.497(d) Dated February 19, 2002" which included: a consent of assignee; executed assignment and cover sheet; and a copy of the declaration filed 03 January 2002. In a decision dated 14 June 2002, applicants' request was dismissed without prejudice.

On 12 September 2002, applicants filed "Response to Decision on Request under 37 CFR 1.497(d) Dated June 14, 2002."

### DISCUSSION

In the instant case, the international application named Stephen Karl Heeks, Jeremy Henley Burroughes, and Julian Charles Carter as applicants/inventors. Applicants request to add Peter Devine as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Items (1), (2) and (3) have been satisfied.

In regards to item (4), applicants have submitted a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b).

### CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 14 December 1999 and a date of 03 January 2002 under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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